IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

CRP.No. 872 of 2007()

AGAINST THE ORDER DATED 02/11/2006 IN EP.NO.87/2002 IN LAR.99/1993 of PRL.SUB COURT,KOTTAYAM

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REVN. PETITIONER: JUDGMENT DEBTOR

STATE OF KERALA, REP. BY THE
DISTRICT COLLECTOR, KOTTAYAM.

BY GOVERNMENT PLEADER SMT. R.BINDU

RESPONDENT: DECREE HOLDER

MATHAI THOMAS,
POOTHRIKKA PUTHENPURAYIL,
VELLOOR VILLAGE, NOW RESIDING AT
MALAYIL PUTHENPURAYIL, PERUMPALLY KARA,
MULANTHURUTHY.

BY ADV. SRI.B.KRISHNA MANI
SRI.G.SUSANTH KRISHNAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.Krishnan, J.

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C.R.P.No.872 of 2007

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Dated this the 19th day of November, 2007.

ORDER

This Revision is preferred against the order of the Subordinate Judge, Kottayam in E.P.No.87 of 2002 in L.A.R.No.99 of 1993. By the said order, the learned Subordinate Judge has fixed the balance amount at Rs.14,776/-. I do not find that any reasoning is given by the learned Subordinate Judge for fixing the same. I am informed by the learned Government Pleader that the decree holder claims it as 21,168/-. Government filed a statement stating that the balance is nil. In the Civil Revision Petition a specific ground is taken to the effect that the learned Subordinate Judge has gone wrong in awarding interest, etc. and therefore, the arrival of the amount at Rs.14,776/- is not accordance with law.

2. Since I am unable to know how the amount has been arrived at by the lower court, the only remedy left for this Court is to set aside the order and remit back the matter to the same

court for fresh consideration after hearing both sides. Needless to say that the court below is expected to give its reason why the amount has been fixed and thereafter proceed in accordance with law and dispose of the matter within a period of six months. Both the parties are directed to appear before the court below on 19.12.2007.

Civil Revision Petition is disposed of accordingly

M.N.Krishnan,
Judge.

ess 19/11